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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,098	07/19/2001	Derek Bernhart	3348.2	5280

				EXAMINER
37403	7590	08/13/2004		TO, BAOQUOC N

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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
Advisory Action	09/682,098	BERNHART ET AL.
	Examiner	**Art Unit**	
	Baoquoc N To	2172	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *Please see attachment.*

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, ~~the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended~~.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-44*.

Claim(s) withdrawn from consideration: _____.

8.☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

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ALFORD KINDRED
PRIMARY EXAMINER

The applicant argues "Blevins neither discloses, teaches nor suggests receiving a specification of an attribute for [an] identifier related to the use of a probe array used to acquire biological information."

The examiner respectfully disagrees with the above argument. Blevins discloses "at this point the user has the menu 506 to provide the ability to select creation features such as editing the attributes to be associated with the new control template (PIP-ADP) selecting an attributes definition window or screen, defining the methods that are to be associated with the new control template by selecting a methods definition window or screen, creating views to be associated with the new control template by selecting a views interface display window or screen" (col. 12, lines 58-66). This suggests selected attributes are selected from an attributes window or screen which corresponding to the "receiving the specification of an attributed for at least one of one or more identifier;"

The applicant argues "Blevins fails to teach or suggest providing a data template configured to receive applicant's identifiers as claimed."

The examiner respectfully disagrees with the above argument. Blevins discloses "the selected control attribute such as temperatures, pressures, and the like, to be further discussed below" (col. 11, lines 14-16). These attributes are received values from the experiment.

The applicant also argues that "there is no teaching or suggestion in the art of record to combine Blevins and Balaban as proposed by the examiner."

The examiner respectfully disagrees with above argument. Blevins teaches the generating of the control templates to conduct a biological experiment with the attributes

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to receive the conducting experiment values. However, Blevins does not teach use of probe array used to acquire the biological information. Balaban suggests "a computer method for managing information to processing of polymer probe array, includes a step of creating a electronically-stored experiment table. The experiment table lists for each of a plurality of experiments a first identifier identifying a target sample applied to an polymer probe array chip in a particular experiment" (col. 2, lines 52-57). The polymer probe array acquires information about the experiment. The table that stores the experiment data is also the template to store information for conducting the biological experiment. Since both of these teaching are related the same field of endeavor, therefore, it needs the system to conduct and store the biological experiment using probe array.